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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-00053 DAE
	)	
Plaintiff,	)	ORDER RE-SETTING TRIAL
	)	
vs.	)	
	)	
SILVER JOSE GALINDO,	)	
(a.k.a. DANIEL S. GALINDO)	)	OLD TRIAL DATE: 07/10/2007
(a.k.a. TIMOTHY MAU)	)	NEW TRIAL DATE: 09/11/2007
	)	
Defendant.	)	
_____	)	

ORDER RE-SETTING TRIAL

A Trial Re-Setting Conference was held on June 28, 2007 before the Honorable Magistrate Judge Leslie E. Kobayashi. The defendant was present with his appointed counsel Jack Schweigert, Esq. and AUSA Darren W.K. Ching was present on behalf of the United States.

The Court considered the objection of the government and heard no objection from the defendant as to the re-setting of the July 10, 2007 trial. Accordingly, the Court re-sets the

trial. This additional time will allow for the District Court to rule on the pretrial motions filed by the Defendant and for appointed counsel for the defendant time to prepare for trial so as to effectively represent the defendant and promoting the defendant's right to a fair trial.

Accordingly, IT IS HEREBY ORDERED that the jury trial currently set for July 10, 2007 at 9:00 a.m. be re-set to September 11, 2007 at 9:00 a.m. before District Court Judge David A. Ezra.

IT IS FURTHER ORDERED that the final pretrial conference will be held August 13, 2007 at 10:00 a.m. before Magistrate Court Judge Barry M. Kurren. Defense motions are due on July 30, 2007, and the Government's responses are due on August 13, 2007.


IT IS FURTHER ORDERED that the time period beginning and including July 10, 2007, to and including September 11, 2007, be excluded from the computations required by the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) on the grounds that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court bases this finding on the fact that the district court has yet to rule on pretrial motions filed by the defendant and defendant's appointed counsel needs time to adequately prepare for trial, and that failure to grant the continuance would

unreasonably deny the defendant continuity of counsel and would further deny the defendant the reasonable time necessary for effective preparation, taking into account due diligence.

IT IS SO ORDERED:

DATED: July 5, 2007, at Honolulu, Hawaii.



  
Kevin S.C. Chang  
United States Magistrate Judge

United States v. SILVER JOSE GALINDO  
Cr. No. 04-00053 DAE  
"Order Re-setting Trial"